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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,508	03/29/2001	Dennis Sunga Fernandez	FERN-P001E	9844

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,508

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) has been considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fan et al. (US 5,959,577).

Re claims 1 and 27, Fan discloses an Internet coupled network for electronically linking at least one fixed vendor processor (base station, 27 of fig. 1) to at least one mobile buyer processor (1 and 3 of fig. 1), a method for transacting between vendor and buyer processors comprising the step of :

determining a first location of a mobile buyer processor coupled to the Internet (col. 3);

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receiving from the mobile buyer processor a first transaction message (18 of fig. 13);
sending to the mobile buyer processor a second transaction message indicating a first
fixed vendor processor proximately disposed to the first location (col. 5, lines 1-51).

Re claims 2 and 28, Fan further discloses the step of determining a second location of the
mobile buyer processor coupled to the Internet;

receiving from the mobile buyer processor a second transaction message (cols. 3 and 4);
sending to the mobile buyer processor a third transaction message indicating a second
(col. 5) fixed vendor processor proximately disposed to the first location (col. 5, lines 1-51).

Re claim 5, Fan further discloses the transaction message is sent to mobile buyer
processor according to portable identifier associated with the mobile buyer processor (1 of fig.
1).

Re claim 6, Fan further discloses an object representation of the mobile buyer processor
comprises an object name, an object identifier, an object group, an object query, an object
condition, an object status, an object location, an object time, an object error, or an object image,
video, or audio (map, col. 5, lines 40-52).

Re claim 9, Fan further discloses the mobile processor is monitored temporarily using an
extrapolated or last-stored positional or visual signal (22 of fig. 1; col. 6, lines 6-40).

Re claim 10, Fan further discloses the mobile buyer processor is authenticated according
to a voice pattern, a fingerprint pattern, a hand written signature, or a magnetic or smart card
signal (col. 5, lines 53-67, telephone network used for voice pattern, wireless network use for
every transmission included voice, video, text).

Re claims 11-26, Fan discloses the transmission between the mobile unit (1 of fig. 1) and monitor (22 of fig. 1) over the Internet, which is in the form of an electronic mail message, as considered an electronic file, a research database (map). Since Fan uses the data network (27 of fig. 1) such as the Internet or telephone network or wireless network to communicate between the mobile (1 and 3 of fig. 1) and the monitor (22 of fig. 1), a user is able to receive a greeting card, news report includes stock report, artwork, person list, music, and live music transmission, electronic tool, and a commercial transaction (col. 6).

Re claims 3-4, and 8, Fan further teaches the first a mobile detector that comprises an accelerometer (vehicle 3 of fig. 1 has acceleration and the receiver (detector)) coupled to the mobile buyer processor when the mobile buyer processor is moveable in determined location and a pseudo-range, the activities of the mobile unit (1 of fig. 1) is observed within an observable range by the monitor (22 of fig. 1).

3. Claims 1-2, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Karmel (US 6,111,441).

Re claims 1-2, and 27-28, Karmel discloses an Internet coupled network for electronically linking at least one fixed vendor processor (reference station, 30 of fig. 2) to at least one mobile buyer processor (1 of fig. 1), a method for transacting between vendor and buyer processors comprising the step of: determining a first location of a mobile buyer processor coupled to the Internet (col. 5); receiving from the mobile buyer processor a first transaction message (cols. 5 and 6);

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sending to the mobile buyer processor a second transaction message indicating a first fixed vendor processor proximately disposed to the first location (col. 6).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maloney et al. (US 5,959,580) discloses a communication localization system.

Titmuss et al. (US 6,522,883 B2) discloses a telecommunication device delivery.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Examiner
Art Unit 2613